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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/605,129	09/10/2003	Daniel J. VandenBossche	DAV 0101 PUS	2128

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EXAMINER

LEE, Y MY QUACH

ART UNIT	PAPER NUMBER
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2875

DATE MAILED: 05/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/605,129

Applicant(s)

VANDENBOSSCHE, DANIEL J.

Examiner

Y Quach Lee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7-17 and 20 is/are allowed.
- 6) ☒ Claim(s) 1-6 and 19 is/are rejected.
- 7) ☒ Claim(s) 18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the reference signs (32"), (38") and (70") as mentioned in the description of the specification. Note the reference numeral "32'", "38'" and "70'" in the drawings. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.
2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the feature of "the boat clamping mechanism is a one piece construction comprising a living hinge element in connection between the first bracing member and the second bracing member" as claimed in claim 5 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

3. The disclosure is objected to because of the following informalities: On page 8, paragraph 0033, line 1, the term "three" is inaccurate and should be changed to --two-- in view of paragraph 0031 discloses the first type of pivotal couplings while paragraph 0032 discloses the second type of pivotal couplings. On page 12, line 1, the reference numeral "46b" is incorrect and should be changed to --46c--. On page 12, line 3, the reference numeral "46c" is incorrect and should be changed to --46b--. Note drawing figure 6. Appropriate correction is required.

Claim Objections

4. Claim 18 is objected to because of the following informalities: In claim 18, line 3, the language "of said second bracing member" should be inserted after "said channel"; line 5, the language "of said first gripping portion" should be inserted after "said channel" to properly define the subject matter of the channel. Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. Claim 19 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 19, it is not clear what is meant by one of said first bracing member of said boat clamping mechanism and said second gripping portion of said flashlight clamping mechanism includes a reinforcement washer integrated thereon for engaging said knob? In view of drawing figure 3 and the specification, the washer is integrated between the second bracing member of the boat clamping mechanism and the first gripping portion of the flashlight clamping mechanism.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1 to 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tower.

Tower discloses a clamping mechanism (page 1, line 57), readable as a boat clamping mechanism since this mechanism can be conveniently supported with respect to a bar of other vehicle (page 1, line 107) in view of a sailboat is a vehicle, for selectively coupling a flashlight mounting apparatus (figure 2) to a support member (A, page 1, lines 10, 13, 22 to 25, 50 and 107), the boat clamping mechanism being selectively slidable and rotatable relative to the support member (figure 2), a flashlight clamping mechanism (page 1, line 71) coupled to the boat clamping mechanism and intended to hold a flashlight (page 1, line 52) for illuminating a dimly lit portion of the sail boat (page 1, line 110), the flashlight clamping mechanism being selectively rotatable (page 1, lines 15 to 19) relative to the boat clamping mechanism, the boat clamping mechanism comprising a first bracing member (13, 10) and a second bracing member (13, 10) pivotally (page 1, lines 87 to 90) coupled to the first bracing member with the first bracing member and the second bracing member each having a contoured surface (figures 2 and 3) for gripping the support member therebetween, and the first bracing member including a first

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plurality of hinge protrusions (11) and the second bracing member including a second plurality of hinge protrusions (11) with each of the first and second plurality of hinge protrusions having a hole integrally formed therein for receiving a pin (12) when the first plurality of hinge protrusions are aligned with the second plurality of hinge protrusions (page 1, lines 62 to 66).

8. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tower.

Tower discloses the invention substantially as claimed with the exception of having the boat clamping mechanism a one piece construction comprising a living hinge element in connection between the first bracing member and the second bracing member. Note that to have the boat clamping mechanism in a one piece construction having a living hinge element in connection between the first bracing member and the second bracing member would have been an obvious matter of design choice which provides no unusual, unobvious and/or unexpected result and is therefore deemed to fall within a purview of an ordinary engineering design technique to use a one piece boat clamping mechanism with a living hinge element in connection between the first and second bracing member to not only reduce extra parts and maintenance of parts but to also enhance the saving cost.

9. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tower.

Tower discloses the invention substantially as claimed including a first gripping portion (16), a second gripping portion (17), and a flashlight gripping surface (the surface right underneath 18) extending substantially across the first gripping portion and the second gripping portion and the gripping portions intended to have the flashlight placed therebetween on the gripping surface with the gripping portions intended to be forced together so as to sandwich the flashlight therebetween. However, Tower does not disclose that the flashlight clamping mechanism is a resilient one-piece construction. Note that to have the flashlight clamping mechanism a resilient one piece construction would have been an obvious matter of design choice which provides no unusual, unobvious and or unexpected result and is therefore deemed to fall within a purview of an ordinary engineering design technique to use a one piece resilient construction to not only reduce additional parts and maintenance of parts but also to enhance the saving cost.

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10. Claim 18 would be allowable if rewritten or amended to overcome the objection set forth in this Office action.

11. Claim 19 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

12. Claims 7 to 17 and 20 are allowed.

Conclusion


13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Wagoner, Jr. and McCarten are cited to show other pertinent clamping mechanism for securing a flashlight to a support member.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Y Quach Lee whose telephone number is 571-272-2373. The examiner can normally be reached on Tuesday and Thursday from 8:30 am to 4:30 pm.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Customer Service whose telephone number is 571-272-2815.

Y. Q.
May 6, 2004


Y. Quach Lee
Patent Examiner
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